

**Remarks**

In the non-final Office Action mailed October 31, 2007, the Examiner: (i) objected to claims 1, 7, and 15; (ii) rejected claims 15-17 under 35 U.S.C. 101; (iii) rejected claims 1-12 and 15-20 under 35 U.S.C. 102(e) as anticipated by Bhogi (US 2004/0088413 A1) ; (iv) rejected claim 13 under 35 U.S.C. 103(a) as unpatentable over Bhogi (US 2004/0088413 A1) and in view of Mousseau et al. (US 2004/0078495 A1); and (v) rejected claim 14 under 35 U.S.C. 103(a) as unpatentable over Bhogi in view of Chong et al (US 2004/0064552).

In this Response, Applicant has amended claims 1, 7, 15, 17, and 18; canceled claims 4, 9, and 20; and added new claims 21-23. Claims 1-3, 5-8, and 10-19, and 21-23 will be pending after entry of this Amendment.

**I. Claim Objections**

The Examiner objected to claims 1, 7, and 15 due to a number of informalities and suggested corrections. Applicant has amended the claims as suggested, thereby obviating these objections.

**II. Rejections under Section 101**

The Examiner rejected claims 15-17 as directed to non-statutory subject matter. Applicant has amended these claims to recite “tangible computer-readable storage media.” Applicant believes this language is in accordance with current USPTO guidelines.

### III. Rejections under Section 102

A reference can only anticipate a claimed invention if that reference teaches each and every element of the claim. *MPEP* § 2131.

#### *A. Claims 4, 9, and 20 (now claims 1, 7, and 18)*

The Examiner rejected claims 4, 9, and 20 (now claims 1, 7, and 18) under 35 U.S.C. 102(e) as anticipated by U.S. Patent Publication 2004/0088413 to Bhogi et al ("Bhogi"). Applicant respectfully traverses. The cited reference fails to teach "generating heuristic override information, wherein the heuristic override information comprises a heuristic override setting and a time period" and then "modifying the connection pool using the heuristic override information" in claim 4 (now 1). Similarly, the cited reference fails to teach "applying heuristic information to modify the initial maximum number of connections, wherein the heuristic information comprises a maximum number of connections override and a time period" in claim 9 (now 7); and "instructing the computing device to modify the connection pool using heuristic override information, wherein the heuristic override information comprises a maximum number of connections override and a time period" in claim 20 (now 18).

More specifically, as explained in Applicant's Summary section, the claimed inventions are directed at extension to the connection pooling architecture to apply heuristic data to ensure that the connection pool contains the required number of connections for a given time period. This can improve the performance for applications that use connection pooling architectures, such as Java Database Connectivity ("JDBC") and Java 2 Connector ("J2C") connections; by attempting to predict when increased connections will be necessary, the pool can populate itself with new connections during periods of lower workload instead of consuming system resources after the workload has begun to increase.

Bhogi, in contrast, is directed at a much different problem, namely that when an administrator wants to change the configuration of a connection pool, they must destroy the pool. *Bhogi*, ¶ [0008]. As Bhogi explains:

Changing the configuration of the connection pool (e.g. to change the pool size or other parameters) may require destroying the pool and reinitializing it with new parameters. This procedure may also entail rebooting the computer on which the connection pool resides. Therefore, reconfiguring a connection pool may require the destruction of all connections within the pool at a minimum. For complex systems with a large number of clients, there may be no time at which one or more connections are not in use. Reconfiguring the connection pool may disrupt service to any clients that are currently using connections. This disruption of client services may be of significant duration, particularly if a reboot of the application server is required.

*Id.* Bhogi then goes on to describe a ‘dynamically configurable’ (i.e., changeable without having to reboot’) resource pool. As a result of this focus, however, Bhogi never addresses the key point of the present invention, namely generating and/or applying heuristic override information, wherein the heuristic override information comprises a heuristic override setting and a time period, to ensure that the connection pool contains the required number of connections for a given time period. Put more simply, Bhogi may be a component used by the present invention, but does not anticipate it.

The Examiner cites Bhogi ¶ [0040], with the additional explanation that the heuristic override information is “interpreted as configuration parameters”; Fig. 1, requestor 110; and ¶ [0025], lines 8-11. Later, the Examiner further cites ¶ [0040], lines 21-25 as teaching the claimed “time period.” To the extent that the Examiner is arguing that the requestor 110 could implement a system similar to the claimed inventions, Applicant respectfully requests that the Examiner identify the teaching where the requestor 100 actually does act in this way. To the extent that the Examiner is arguing that the request inherently occurs at some point in time, Applicant respectfully notes that the plain language of claim 4 (now 1) requires both “heuristic override information

compris[ing] . . . a time period” and” and “modifying the connection pool using [heuristic override information comprising a time period].” The mere fact that the request occurs at a particular time of day fails to read on either requirement. An inherent point in time is not the claimed “time period,” nor is it used to ‘modify the connection pool.’ Similarly, the plain language of claim 9 (now 7) requires both “heuristic information compris[ing] a time period” and “applying [the] heuristic information to modify the initial maximum number of connections”; and the plain language of claim 20 (now 18) requires both “heuristic override information compris[ing] . . . a time period” and “instructing the computing device to modify the connection pool using [heuristic override information comprising a time period].”

*B. Claim 15*

Applicant has added language similar to that discussed above. Accordingly, Applicant respectfully submits that claim 15 is also not anticipated by Bhogi.

*C. Claims 2-3, 5-6, 8, 10-12, 14, 16-17, and 19*

The claims are dependent on claim 1, 7, 15, or 18. Accordingly, Applicant submits they are not anticipated for the reasons previously discussed.

**IV. Rejection of Claims 13 and 14 under Section 103**

A combination of references can only obviate an invention if the suggested combination teaches or suggests all of the claimed limitations. *MPEP* § 2142. Put another way, if none of the references teach or suggest a particular limitation, then no combination of those references can obviate the claimed inventions.

## PATENT -- AMENDMENT

As previously discussed Bhogi fails to teach or suggest "applying heuristic information to modify the initial maximum number of connections, wherein the heuristic information comprises a maximum number of connections override and a time period."

Mousseau also fails to teach or suggest this element. Instead, Mousseau is directed at a J2EE connector architecture and is silent about the details of connection pool management.

Chong also fails to teach or suggest this element. Instead, Chong is directed at and performance management is silent about the details of connection pool management.

### V. Conclusion

It is believed that the present application is in condition for allowance and a prompt and favorable allowance of all claims is respectfully requested. If the Examiner, upon considering this amendment, thinks that a telephone interview would be helpful in expediting allowance of the present application, he/she is respectfully urged to call the Applicant's attorney at the number listed below.

Respectfully submitted,

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